

Patent
 Attorney Docket: 728256-100256
 (formerly 06558/01006)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Inventor: Halasz, et al.

Serial No.: 10/015,284

Filed: 12/10/2001

For: Improved Flashlight

Group Art Unit: 2875

Examiner: Not Yet Assigned

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181(a)

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Applicant herewith petitions the Commissioner of Patents and Trademarks to withdraw the holding of abandonment of the above-identified application under 37 C.F.R. § 1.181(a). Applicant's petition is based on the facts set forth below and the attached supporting documents.

On June 22, 2004, the Patent Office mailed a Notice of Abandonment (copy "to be returned with response" attached as Exhibit 1) deeming the present application abandoned because Applicant

CERTIFICATE OF TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being facsimile transmitted to the United States Patent and Trademark Office (703/308-7751) on the date shown below.

July 19, 2004

Date of Transmission

Yolanda G. Ybuen

Name of Person Transmitting Paper

Yolanda G. Ybuen

Signature of Person Transmitting Paper

Patent
Attorney Docket: 728256-100256
(formerly 06558/01006)

failed to timely respond to a Notice to File Missing Parts mailed on January 8, 2002. Specifically, the Notice of Abandonment states that no reply was received.

Applicant's petition should be granted and the holding of abandonment withdrawn because Applicant did timely respond to the January 8, 2002 Notice to File Missing Parts. The January 8, 2002 Notice to File Missing Parts gave Applicant two months to correct the informalities in the application. On January 31, 2002 — in response to the January 8, 2002 Notice to File Missing Parts — Applicant mailed the following items to the Assistant Commissioner for Patents:

(1) Transmittal Letter; (2) Copy of Notice to File Corrected Application Papers; (3) Certificate of Mailing by First Class Mail; (4) Check in the amount of \$42.00 payable to Director of the U.S. Patent and Trademark Office for balance of filing fee due; (5) 22 sheets of Substitute Drawings with corrected margins; and (6) Postcard. A true copy of the originally filed response is attached as Exhibit 2. The returned date-stamped Postcard shows that the Office of Initial Preliminary Examination received Applicant's response on February 14, 2002. See Exhibit 3.

Based on the evidence, Applicant timely filed a complete response to the January 8, 2002 Notice to File Missing Parts. Applicant relies upon its date-stamped postcard receipt as *prima facie* evidence that the reply was timely filed.

“Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP § 503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

MPEP 711.03(c), I.B., ¶ 2 (“Petition To Withdraw Holding of Abandonment Based on Evidence That a Reply Was Timely Mailed or Filed”). Applicant therefore requests that the holding of

Patent
Attorney Docket: 728256-100256
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abandonment be withdrawn. Applicant further requests that prosecution continue immediately with substantive examination of the application.

Applicant does not believe that a petition fee or extension fee is owed in connection with this petition. If Applicant is incorrect in this belief, however, Applicant requests that any petition fee, extension fee, or any other fee due with this petition be charged to Deposit Account No. 50-2468.

Acceptance of Applicant's petition for withdrawal of the holding of abandonment is respectfully requested. Applicant further requests that the Office promptly acknowledge the active status of this application.

Respectfully submitted,

JONES DAY

Dated: July 18, 2004

By: Mary A. Tuck
Mary A. Tuck
Reg. No. 47,144

555 West Fifth Street
Suite 4600
Los Angeles, California 90013-1025
213-489-3939





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/015,284		Stephen Joseph Halasz	728256-100256

34026
JONES DAY
555 WEST FIFTH STREET, SUITE 4600
LOS ANGELES, CA 90013-1025

CONFIRMATION NO. 7502

WITHDRAWAL NOTICE



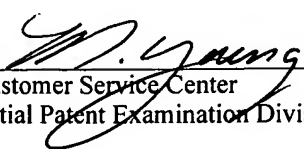
OC000000013656599

Date Mailed: 08/30/2004

WITHDRAWAL OF PREVIOUSLY SENT NOTICE

The Notice of Abandonment mailed on 06/22/2004 was sent in error and is hereby withdrawn. A Filing Receipt is enclosed. The Office regrets any inconvenience the error may have caused.

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

EXHIBIT 1



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/015,284	12/10/2001	Stephen Joseph Halasz	728256-100256

CONFIRMATION NO. 7502

ABANDONMENT/TERMINATION
LETTER

OC000000013019612

34026
JONES DAY
555 WEST FIFTH STREET, SUITE 4600
LOS ANGELES, CA 90013-1025

Date Mailed: 06/22/2004

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 01/08/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).



Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

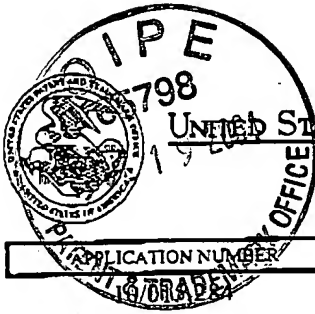
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

EXHIBIT 2

TRANSMITTAL LETTER (General - Patent Pending)		Docket No. 06558-01006	
In Re Application of HALASZ, et al.			
Serial No. 10015284	Filing Date December 10, 2001	Examiner Not Yet Assigned	Group Art Unit 2875
Title: IMPROVED FLASHLIGHT			
<u>TO THE ASSISTANT COMMISSIONER FOR PATENTS:</u>			
Transmitted herewith is: Copy of Notice to File Corrected Application Papers; Ck. for \$42.00 Balance of Filing Fee Due; Substitute Drawings with appropriate margins; Certificate of Mailing by First Class Mail			
in the above identified application.			
<input type="checkbox"/> No additional fee is required. <input checked="" type="checkbox"/> A check in the amount of \$42.00 is attached. <input type="checkbox"/> The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. as described below. A duplicate copy of this sheet is enclosed.			
<input type="checkbox"/> Charge the amount of <input type="checkbox"/> Credit any overpayment. <input type="checkbox"/> Charge any additional fee required.			
 Signature		Dated: January 31, 2002	
John R. Posthumus, Esq. Reg. No. 36,245 LeBoeuf, Lamb, Greene & MacRae, L.L.P. 633 Seventeenth Street, Suite 2000 Denver, Colorado 80202 303-291-2612		<div style="border: 1px solid black; padding: 5px;"> I certify that this document and fee is being deposited on January 31, 2002 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.  Signature of Person Mailing Correspondence Sandra Lee Bourassa, PLS Typed or Printed Name of Person Mailing Correspondence </div>	
FILE COPY			

CC:



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
798	12/10/2001	Stephen Joseph Halasz	06558-01006

CONFIRMATION NO. 7502

FORMALITIES LETTER

*OC000000007278476*LeBoeuf, Lamb, Greene & MacRae, L.L.P.
Suite 2000
633 Seventeenth Street
Denver, CO 20202

Date Mailed: 01/08/2002

The required items noted below **SHOULD** be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

- Total additional claim fee(s) for this application is \$42.
 - \$42 for 4 independent claims over 3.
- The balance due by applicant is \$ 42.

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

RECEIVED

*A copy of this notice **MUST** be returned with the reply.*

JAN 14 2002


LEBOEUF, LAMB, GREENE
& MACRAE, LLP

Ahmad

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)			Docket No. 06558-01006	
Applicant(s): HALASZ				
Serial No. 10/015,284	Filing Date December 10, 2001	Examiner Not Yet Assigned	Group Art Unit 2875	
Invention: IMPROVED FLASHLIGHT				
				
I hereby certify that this <u>Revsd Utility App Trans: Copy Notice File Corrected Papers: Ck.: Subst Drawings: Postcard</u> (Identify type of correspondence)				
is being deposited with the United States Postal Service as first class mail in an envelope addressed to: The				
Assistant Commissioner for Patents, Washington, D.C. 20231 on <u>January 31, 2002</u> (Date)				
<u>Sandra Lee Bourassa, PLS</u> (Typed or Printed Name of Person Mailing Correspondence)				
<u>Sandra Lee Bourassa PLS</u> (Signature of Person Mailing Correspondence)				
Note: Each paper must have its own certificate of mailing.				

YOUR INVOICE NO.	INVOICE DATE	AMOUNT	DISCOUNT	NET AMOUNT	CHECK NO.	CHECK TOTAL
012902	012902	\$42.00		\$42.00		

O I P E
65798
JUL 19 2004
PATENT & TRADEMARK OFFICE

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, IN AN ENVELOPE ADDRESSED TO THE ASSISTANT COMMISSIONER OF PATENTS, WASHINGTON, D.C. 20231 ON January 31, 2002

TYPED OR PRINTED NAME: Sandra Lee Bourassa, PLS

SIGNATURE: Sandra Lee Bourassa, PLS

\$42.00

LEBOEUF, LAMB, GREENE & MACRAE, L.L.P.**ATTORNEY BUSINESS ACCOUNT**633 SEVENTEENTH STREET
SUITE 2000
DENVER, CO 80202CITIBANK DELAWARE
ONE PENN'S WAY
NEW CASTLE, DE 19720

CHECK NO.

12018936

12018936

62-20
311

01/29/02

DATE

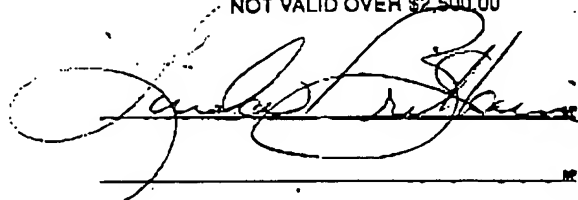
AMOUNT OF CHECK

*****\$42.00*****

NOT VALID OVER \$2,500.00

*****Forty Two and 00/100's dollars*****

PAY TO THE ORDER OF

Director of the U.S. Patent and
Trademark Office


⑈12018936⑈

⑈031100209⑈

38781164⑈

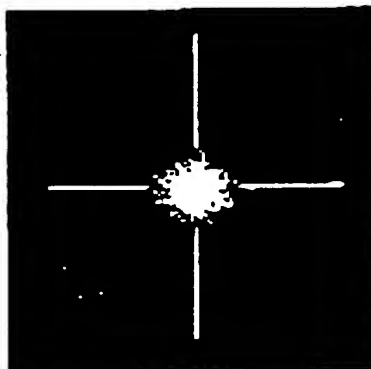
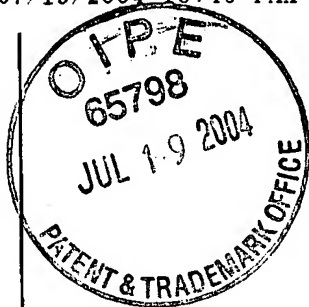


FIG. 1A

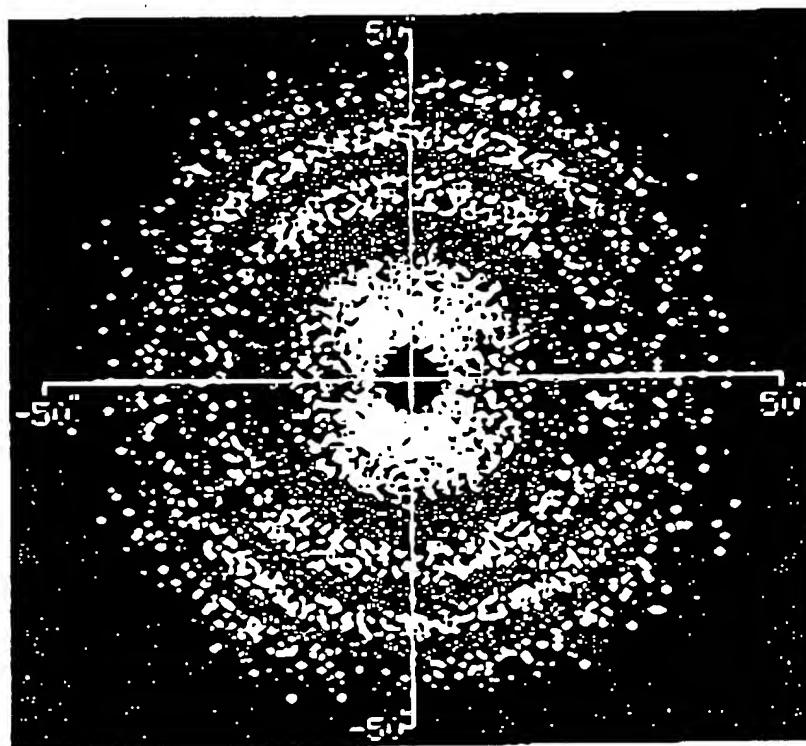


FIG. 1B

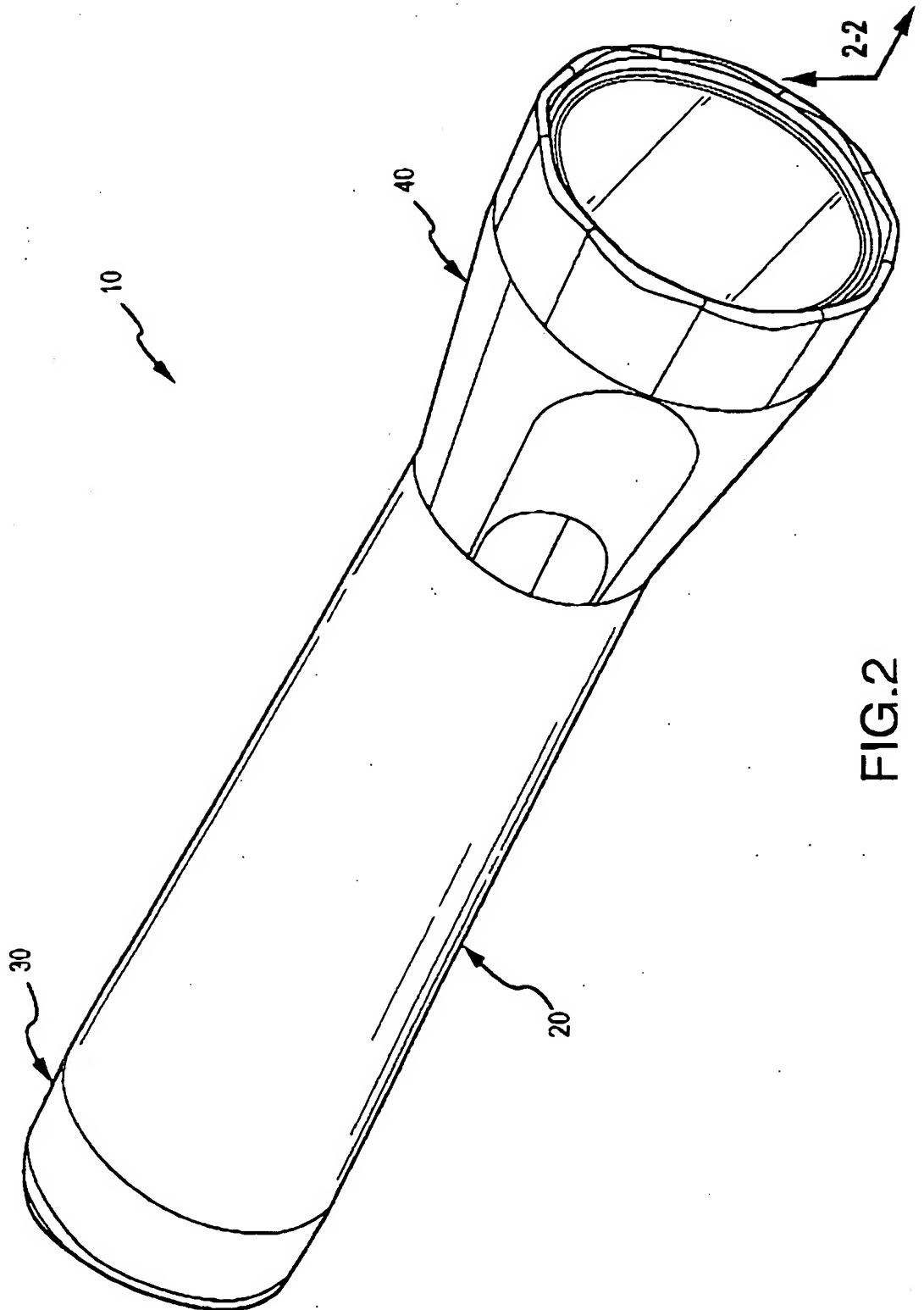
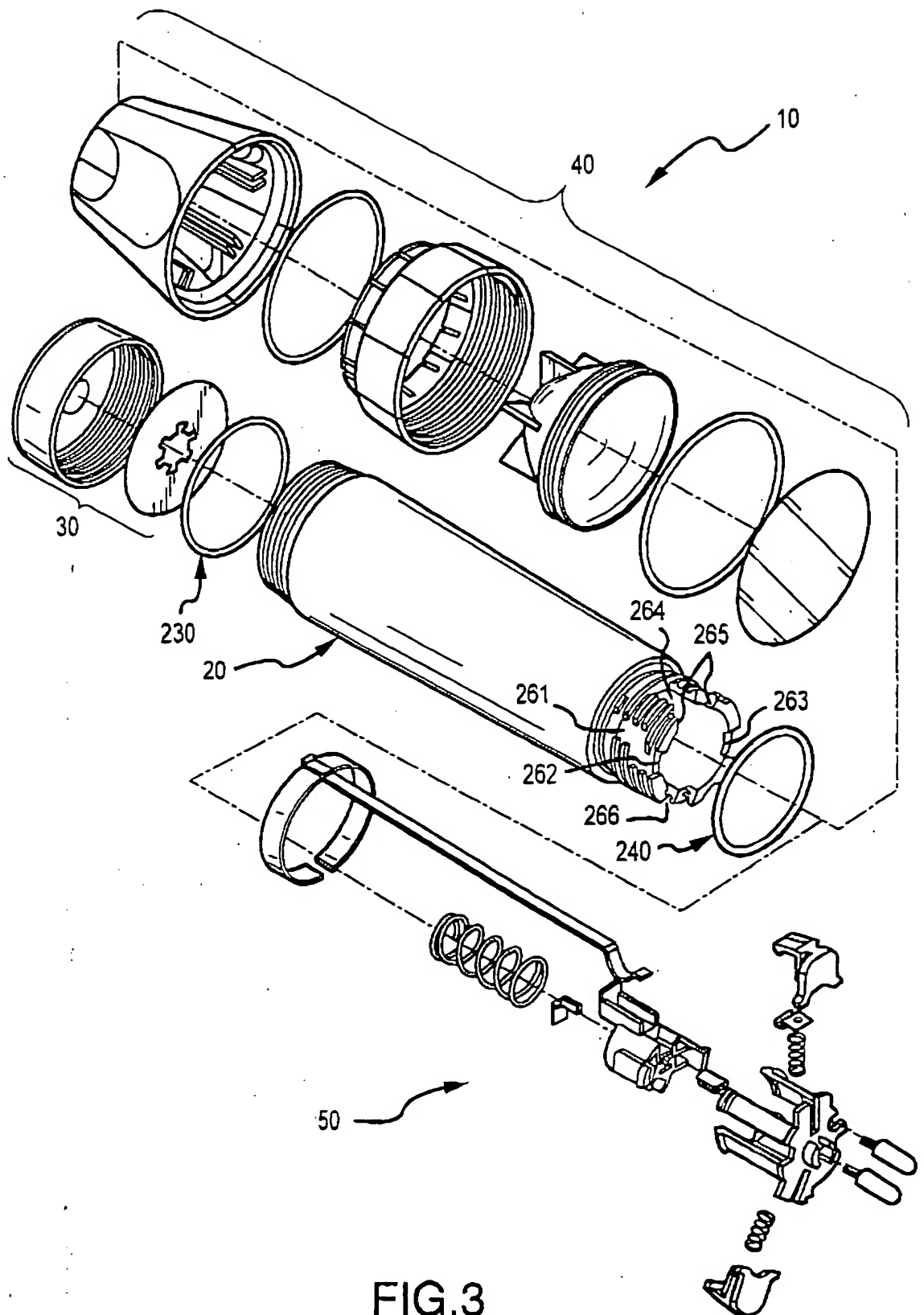
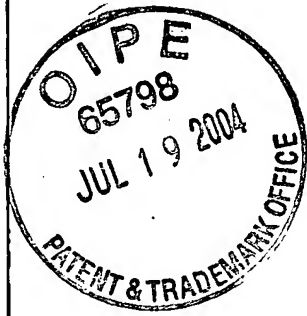


FIG. 2



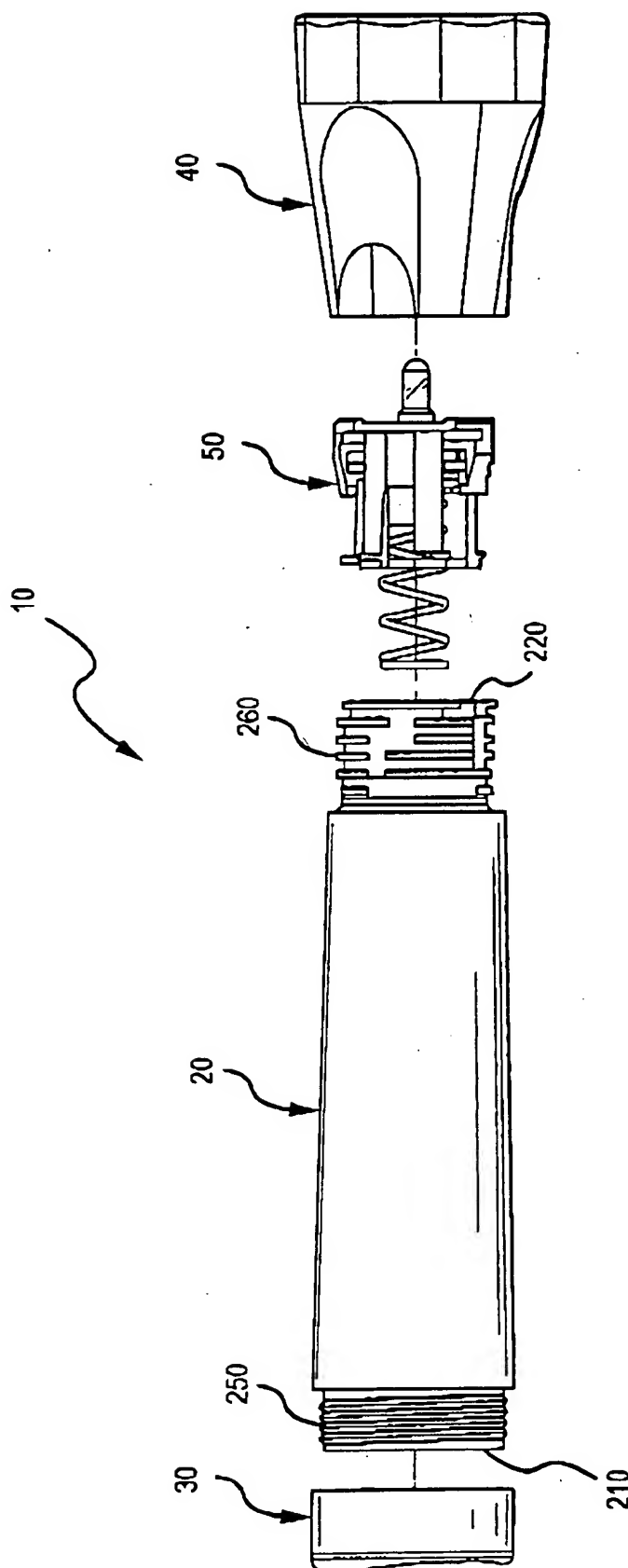
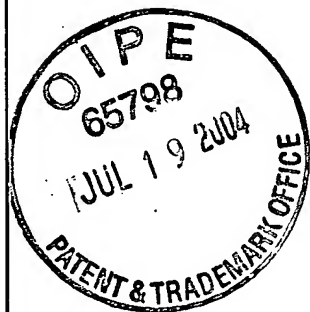


FIG.4

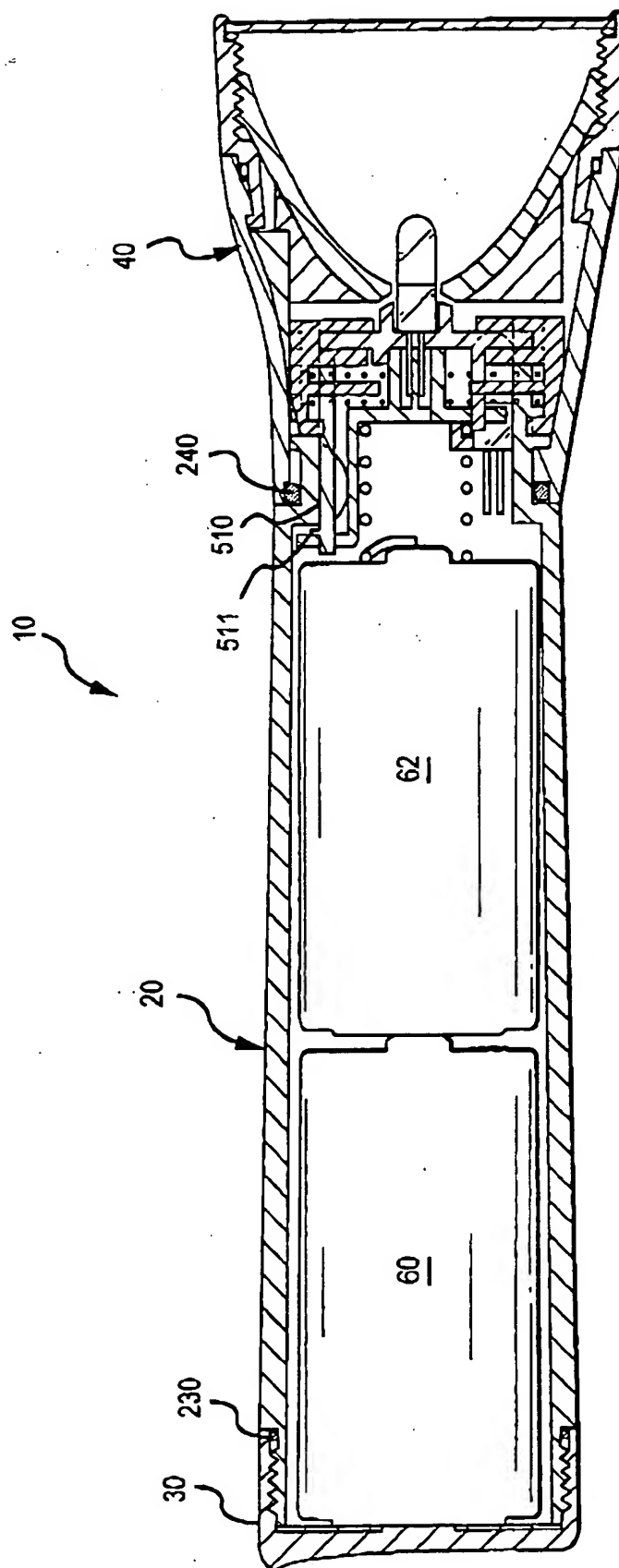


FIG.5

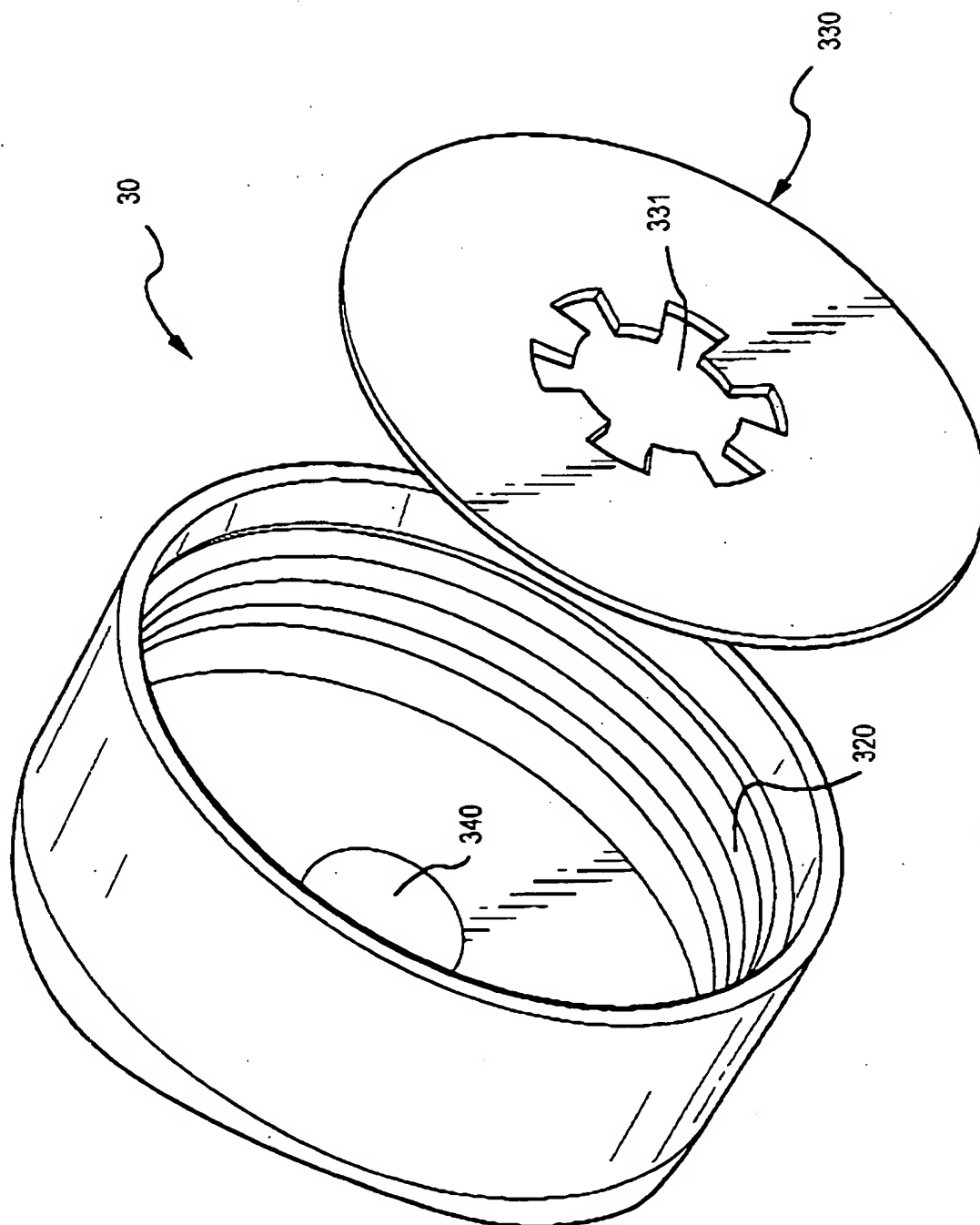
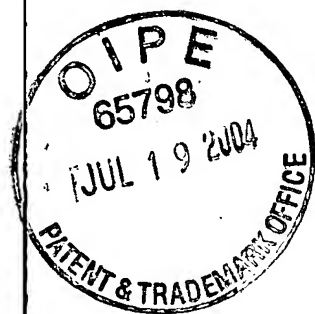


FIG. 6A

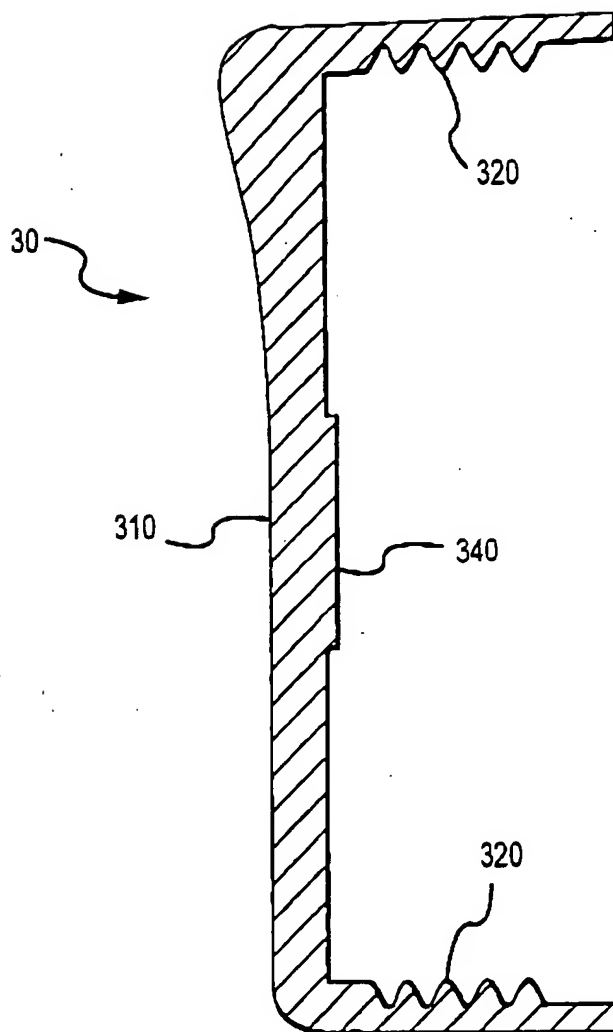


FIG.6B

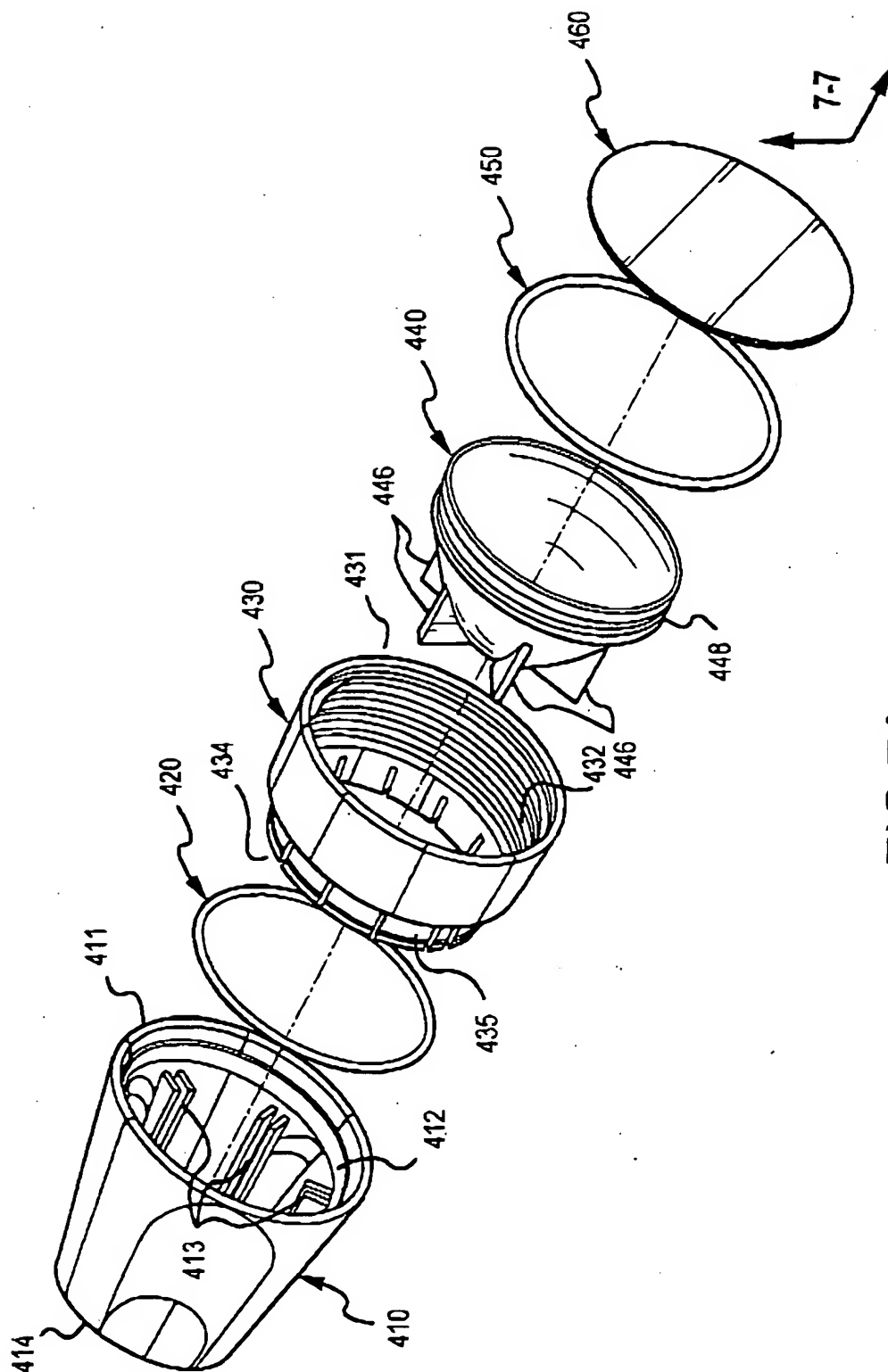


FIG.7A

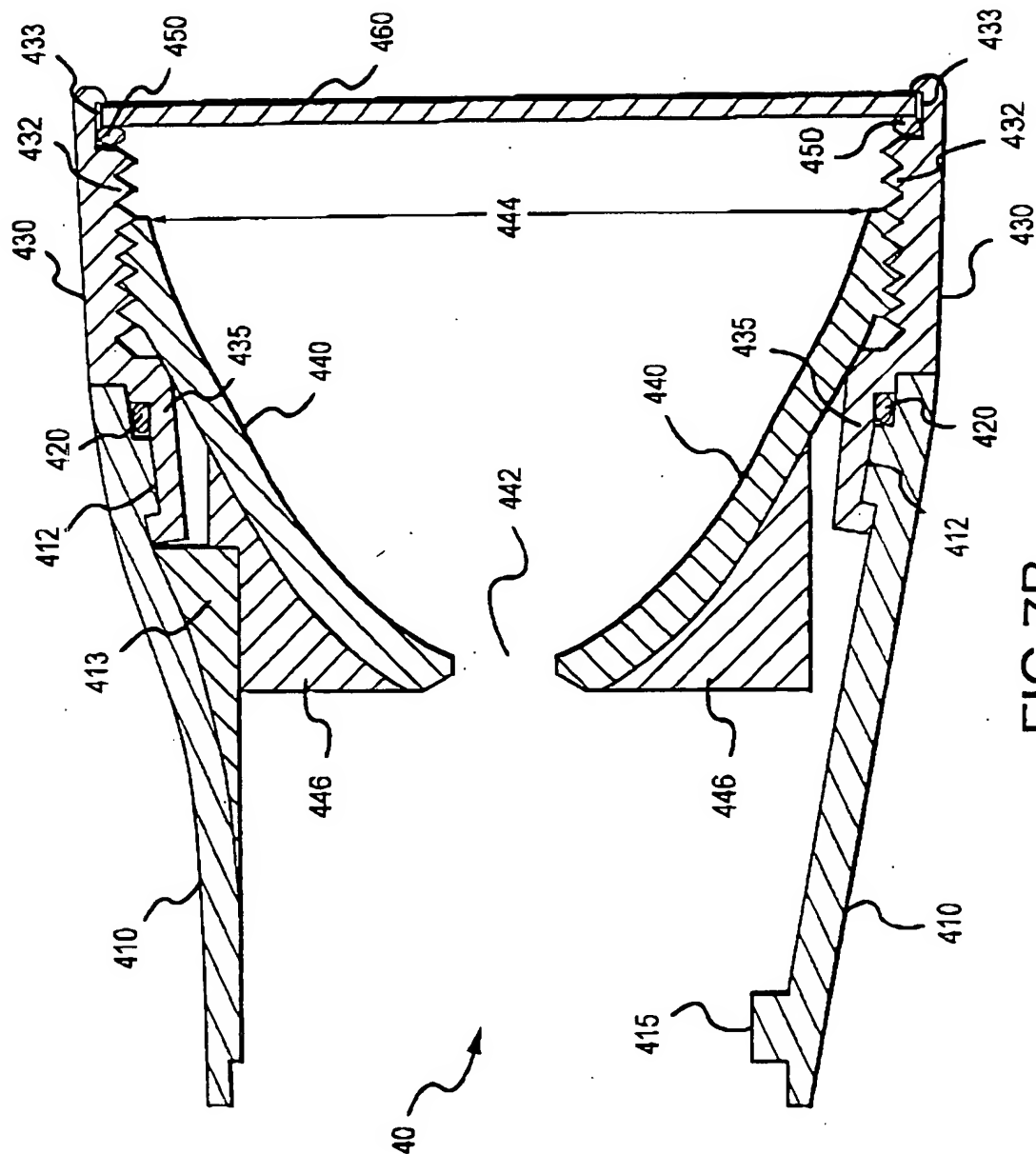
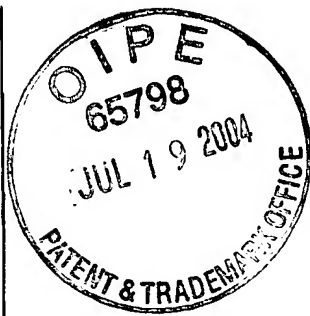


FIG. 7B

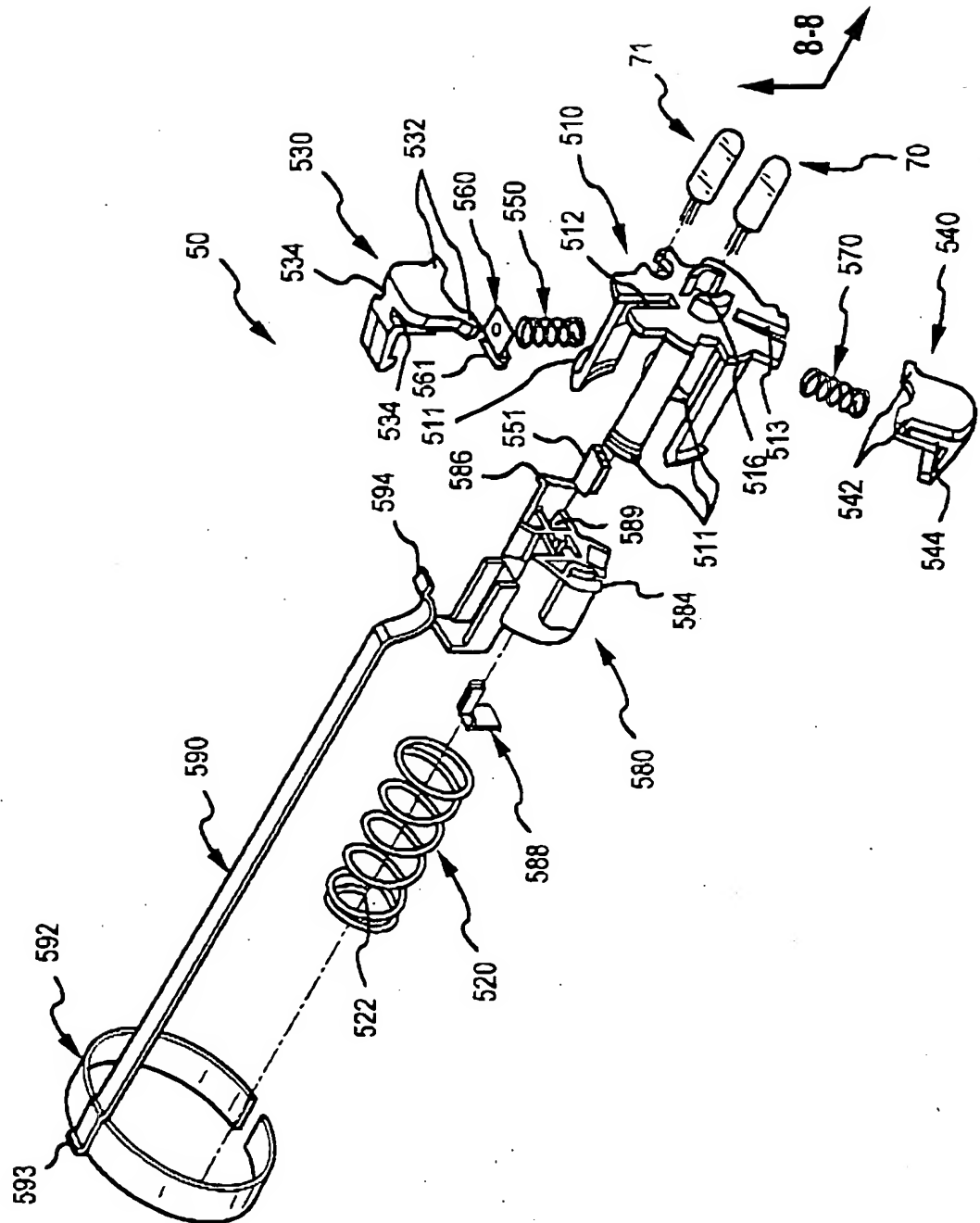
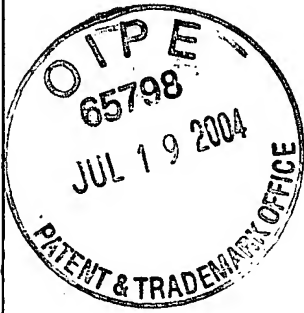


FIG.8A

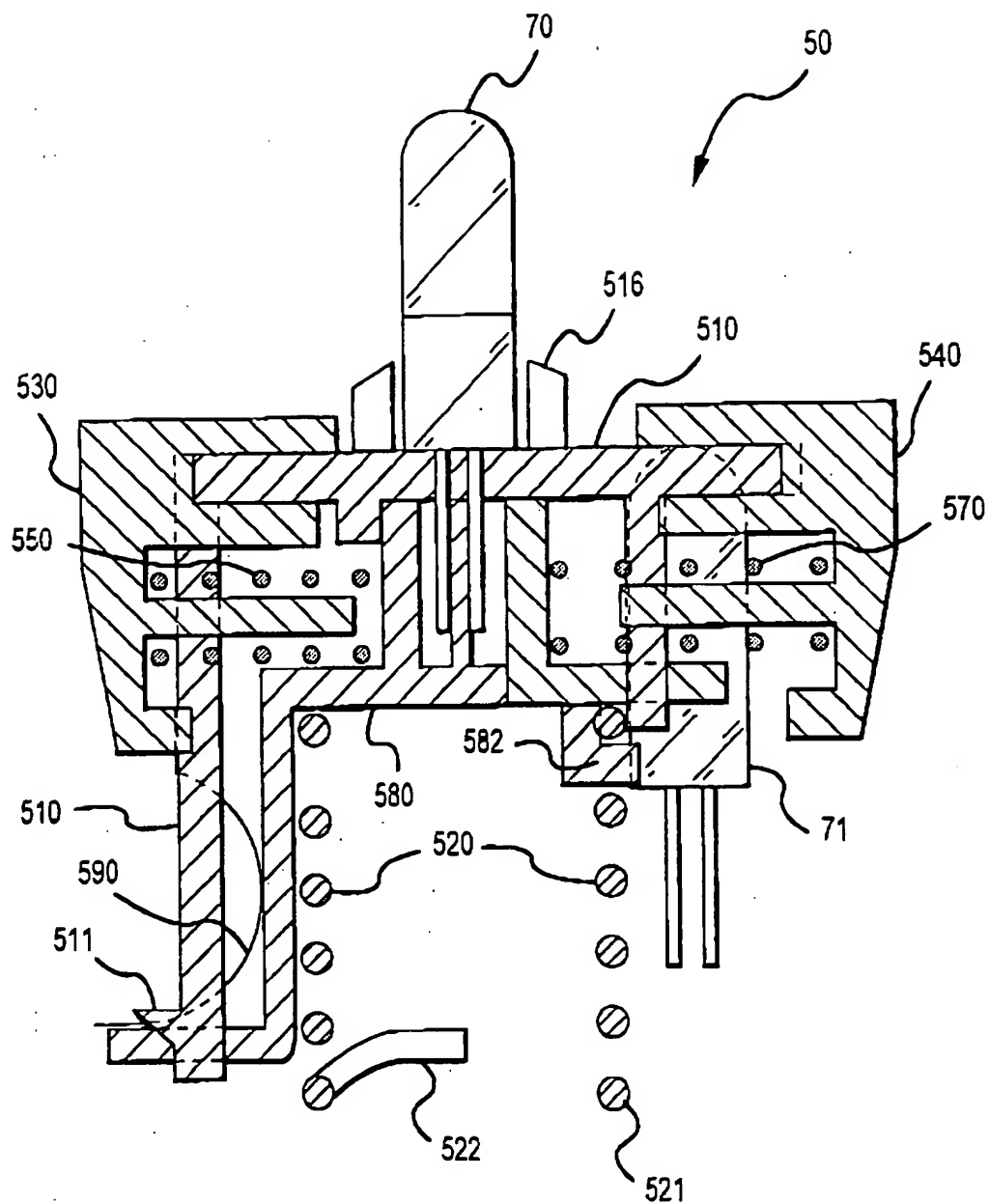


FIG. 8B

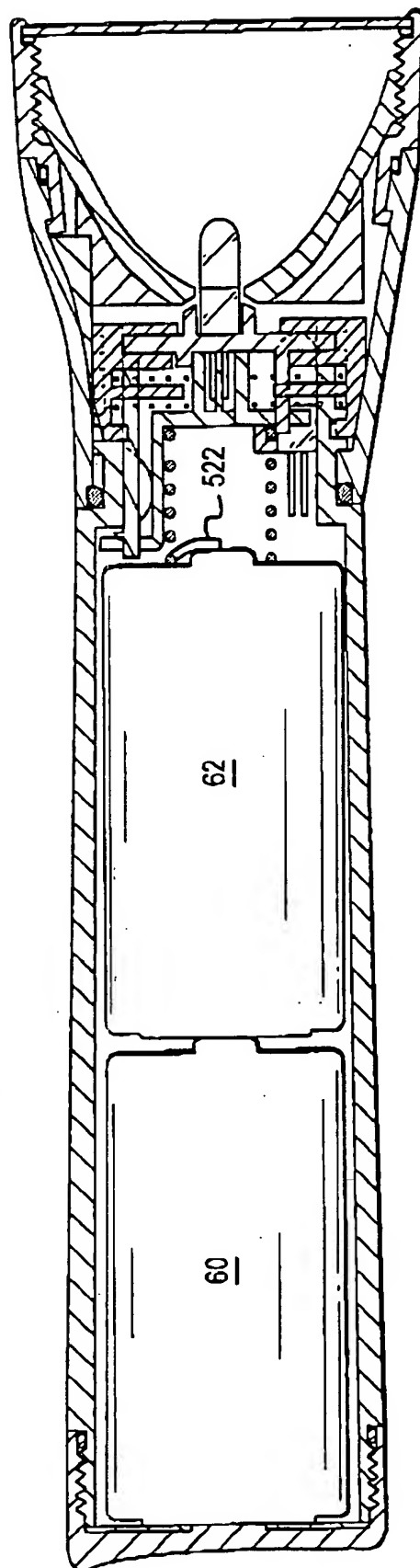


FIG. 9A

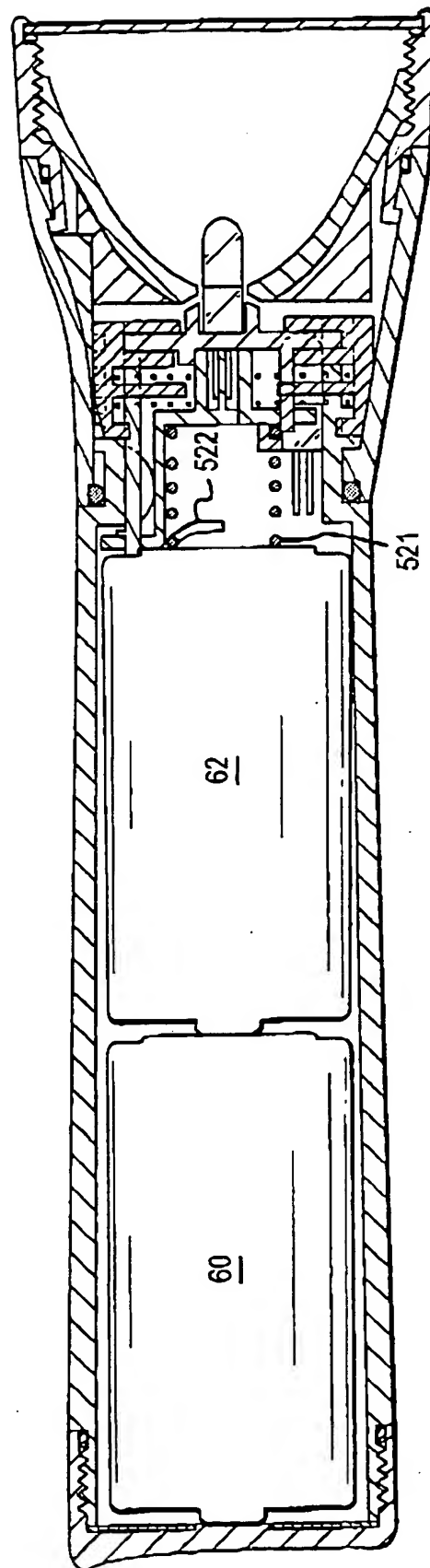


FIG. 9B

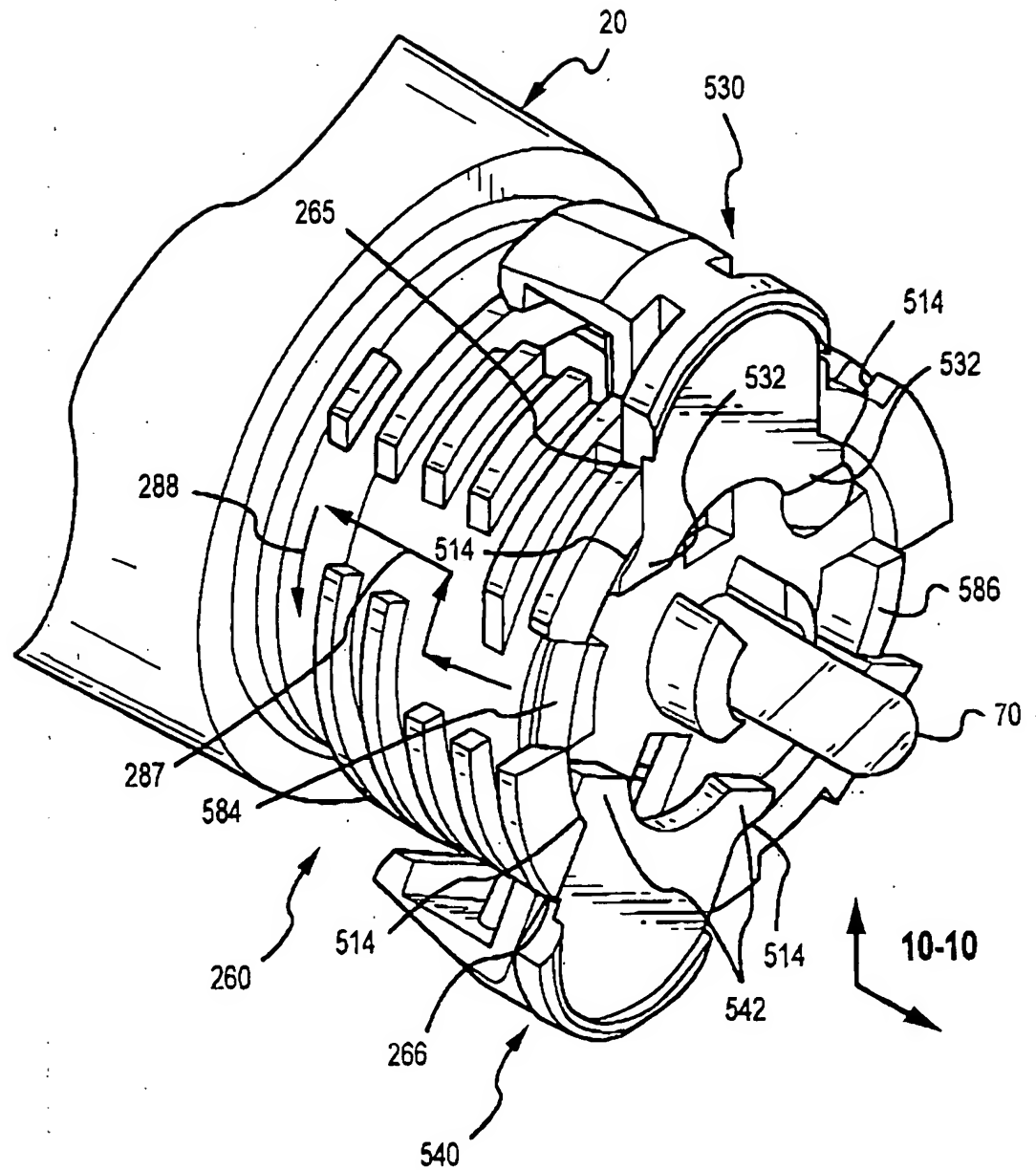


FIG. 10

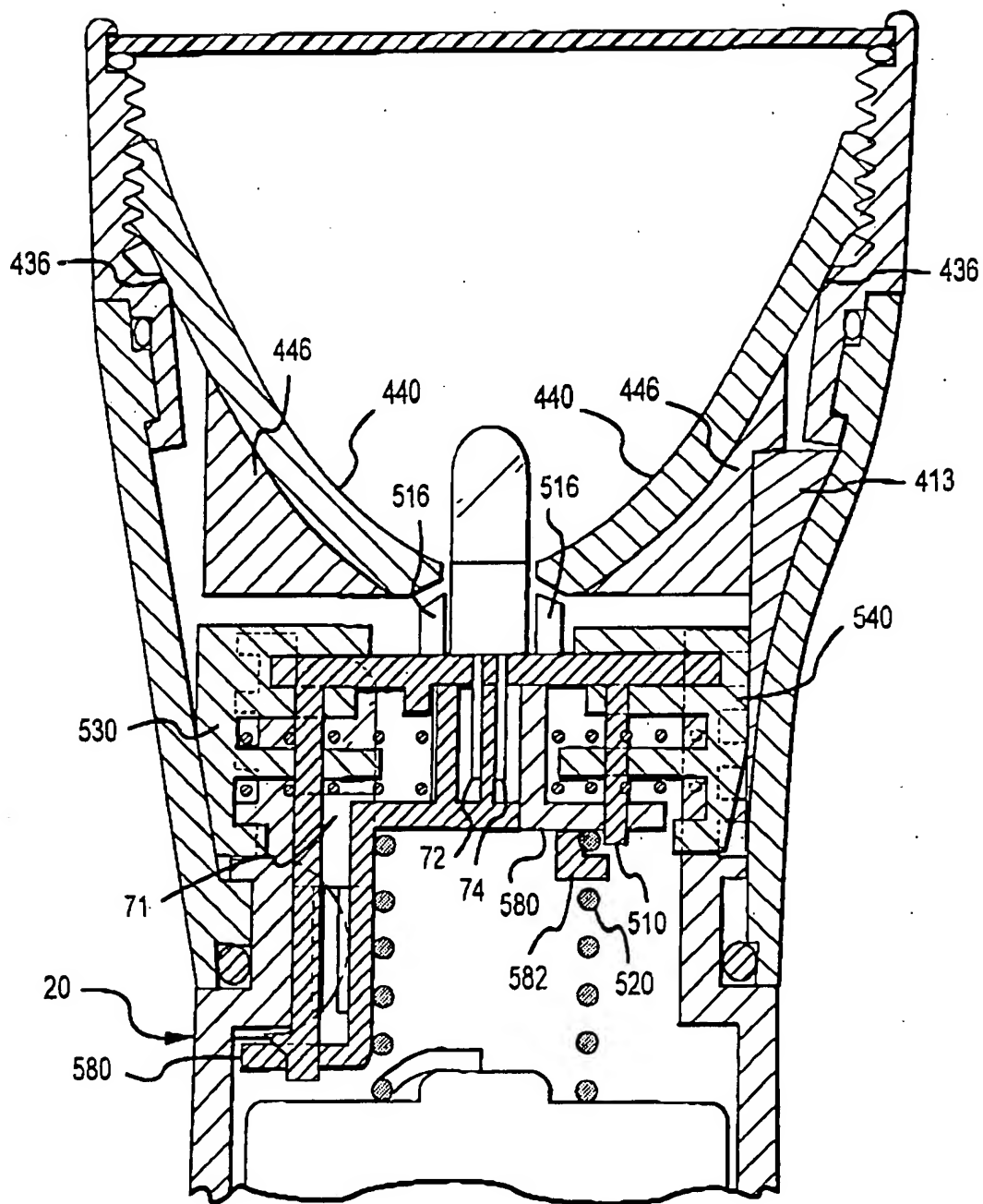
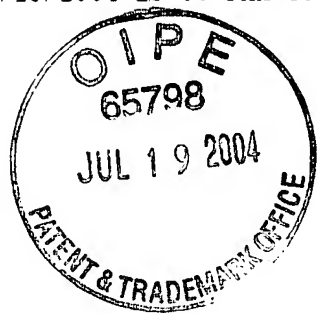


FIG.11

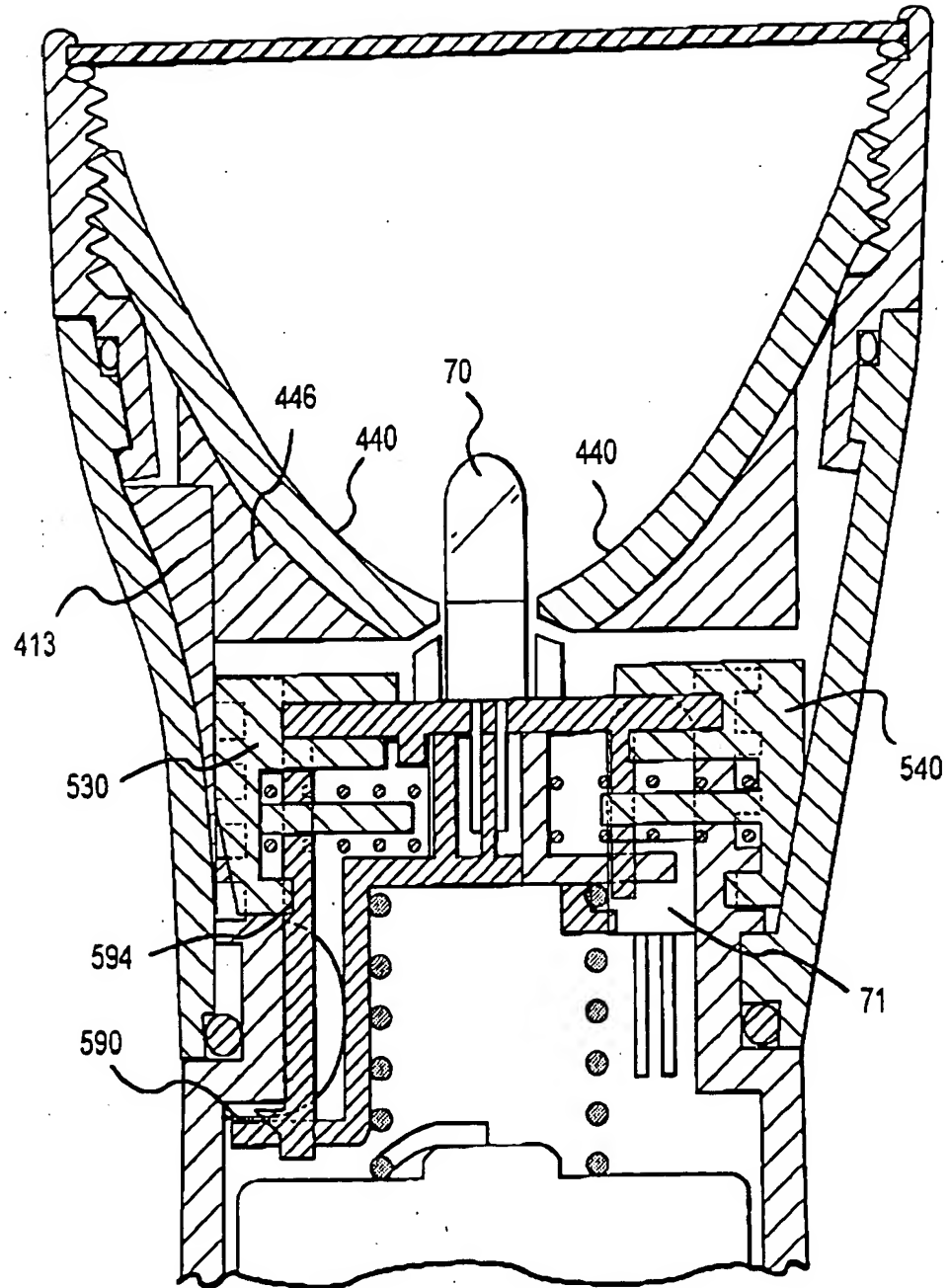


FIG.12



ECCENTRICITY	VERTEX CURVATURE	EFFECTIVE FOCAL LENGTH	SUBTENDED ANGLE OF LIGHT	MINIMUM SPOT DIAMETER
0.880	2.26	-2.50	112	33
0.880	2.188	-3.00	108	33
0.880	2.08	-4.01	104	38
0.882	2.38	-2.50	114	31
0.882	2.28	-3.00	109	29
0.882	2.17	-4.01	105	35
0.883	2.44	-2.50	115	30
0.883	2.35	-3.00	110	29
0.883	2.22	-4.01	105	33
0.884	2.51	-2.50	115	31
0.884	2.42	-3.00	111	28
0.884	2.29	-4.01	106	33
0.885	2.59	-2.50	116	28
0.885	2.49	-3.00	112	27
0.885	2.35	-4.01	107	30
0.885	2.23	-5.01	103	35
0.885	2.17	-8.01	101	41
0.888	2.69	-2.50	119	35
0.888	2.78	-3.00	114	29
0.888	2.70	-4.01	112	26
0.888	2.70	-4.01	112	26
0.888	2.45	-5.01	105	24
0.888	2.36	-8.01	103	34
0.890	3.05	-3.00	116	32
0.890	2.99	-3.50	113	28
0.890	2.88	-4.01	111	26
0.890	2.68	-5.01	107	25
0.890	2.55	-8.01	105	30
0.890	2.49	-19.23	104	30
0.891	3.23	-3.00	122	34
0.891	3.00	-4.01	116	26
0.891	2.79	-5.01	110	26
0.891	2.66	-6.01	107	26
0.891	2.60	-19.23	106	28
0.892	3.44	-3.00	118	36
0.892	3.19	-4.01	113	28
0.892	2.99	-5.01	109	23
0.892	2.80	-6.01	106	23
0.892	2.73	-7.01	101	33
0.893	3.42	-4.01	114	29
0.893	3.19	-5.01	110	27
0.893	2.99	-6.01	108	25
0.893	2.58	-19.23	102	32
0.894	3.73	-4.01	115	35
0.894	3.38	-5.01	111	29
0.894	3.09	-6.01	109	26
0.894	2.71	-19.23	103	27
0.895	3.70	-5.83	112	31
0.895	3.44	-6.01	110	28
0.895	3.33	-7.01	109	27
0.895	2.91	-19.23	104	25

FIG.13A



ECCENTRICITY	VERTEX CURVATURE	EFFECTIVE FOCAL LENGTH	SUBTENDED ANGLE OF LIGHT	MINIMUM SPOT DIAMETER
0.96	4.16	-5.83	113	35
0.96	3.83	-10.01	110	32
0.96	3.68	-19.23	110	29
0.96	3.40	-2E+99	107	25
0.96	3.07	-2E+99	105	23
0.97	4.19	-19.23	110	30
0.97	3.60	-2E+99	107	26
0.97	3.40	-2E+99	106	24
0.97	3.35	-2E+99	106	24
0.98	5.20	-19.23	112	37
0.98	3.60	-2E+99	107	25
0.98	3.80	-2E+99	106	24
0.98	3.77	-2E+99	106	24
0.99	4.58	-2E+99	107	30
1.00	4.10	-2E+99	105	26
1.00	3.50	-2E+99	106	32
1.00	3.00	2E+99	102	45
1.00	10.00	2E+99	108	45
1.01	4.70	2E+99	105	29
1.02	4.00	2E+99	103	26
1.03	3.60	2E+99	101	23
1.04	3.30	2E+99	100	23
1.05	3.15	2E+99	98	24
1.06	2.95	2E+99	97	27
1.07	2.80	2E+99	95	29
1.10	2.45	2E+99	92	33
1.10	4.25	4.25	96	34
1.10	4.60	4.60	95	23
1.10	4.80	4.80	96	26
1.10	5.50	5.50	94	33
1.10	6.30	6.30	93	24
1.10	6.30	3.50	93	25
1.15	2.15	2E+99	87	35
1.15	3.85	3.85	92	32
1.15	4.55	4.55	92	22
1.15	5.55	5.55	92	24
1.15	7.20	7.20	91	24
1.15	8.20	8.20	82	26
1.20	3.20	3.92	91	26
1.20	4.55	3.50	90	24
1.20	6.60	2.40	87	27
1.25	2.80	3.92	88	30
1.25	3.60	3.50	88	27
1.25	5.55	2.40	86	29

FIG.13B

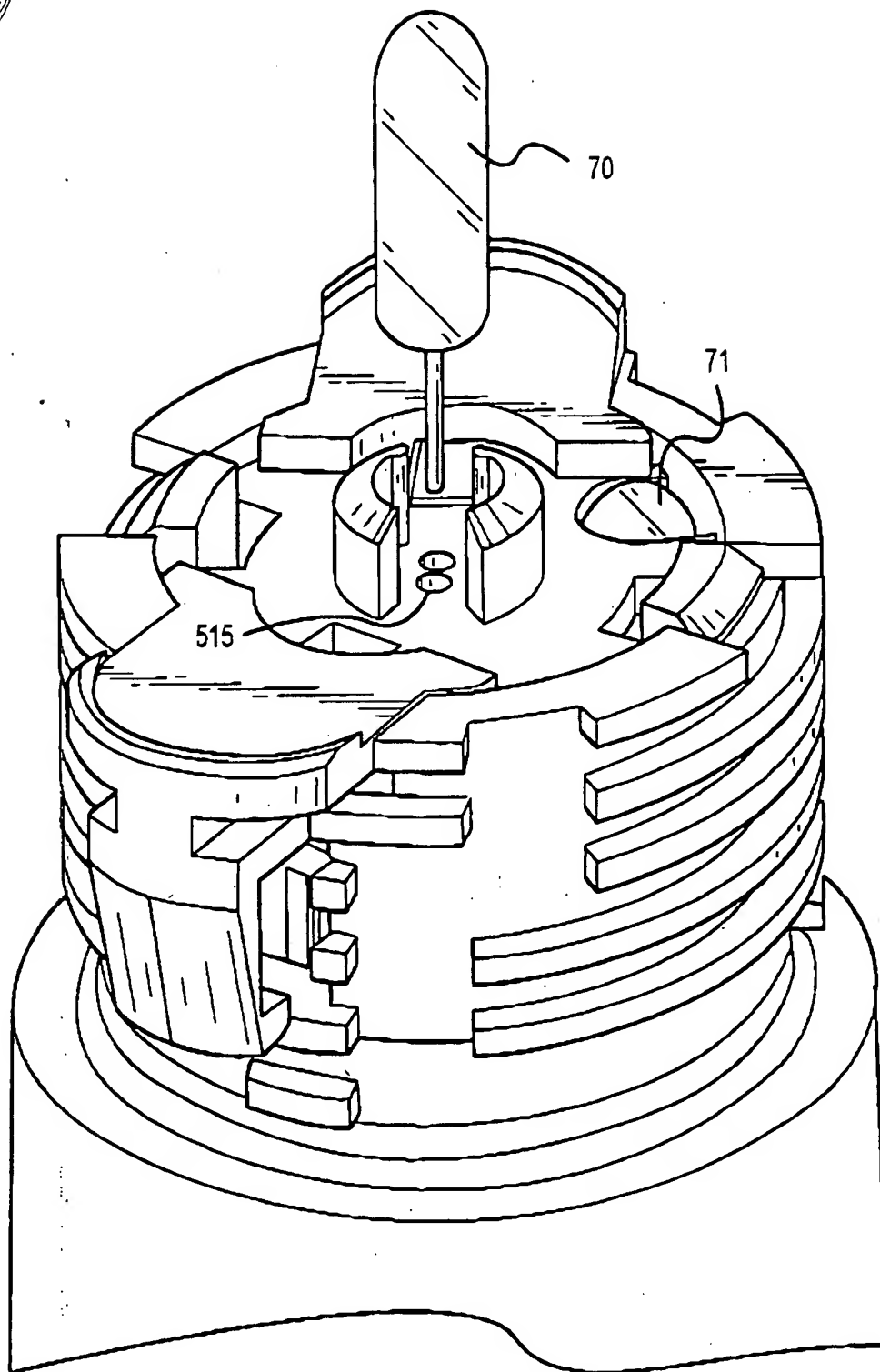


FIG.14A

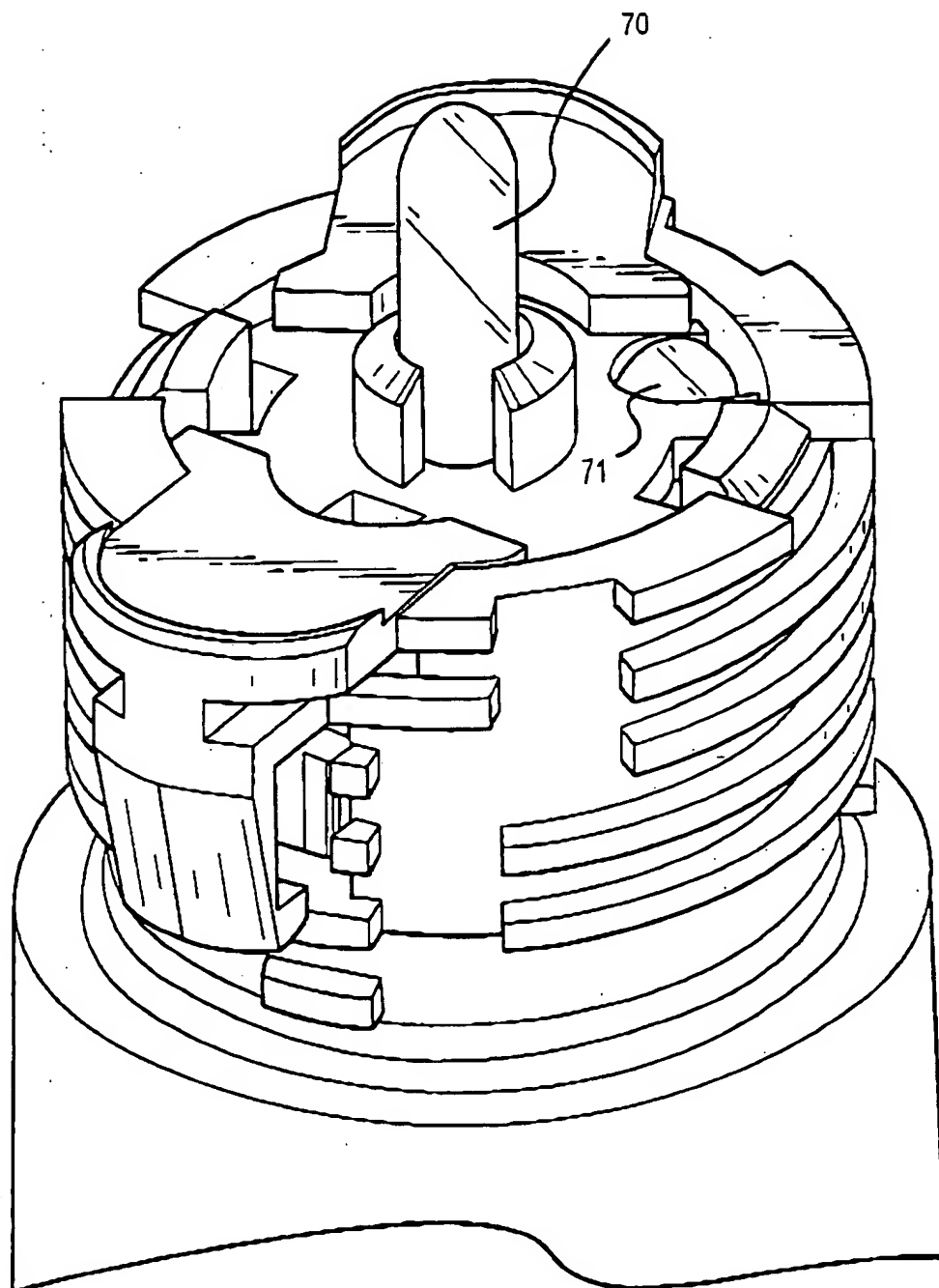


FIG.14B

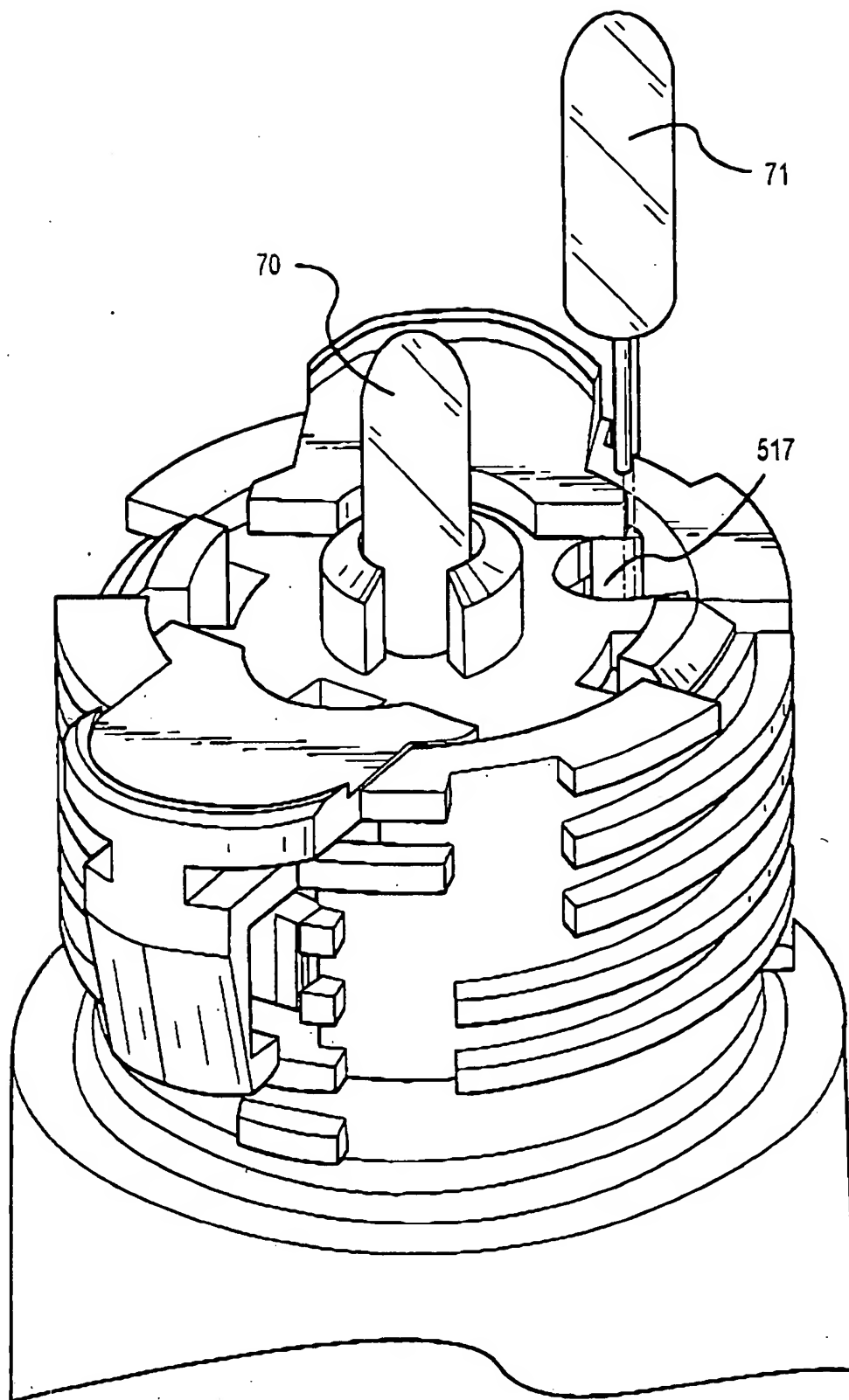
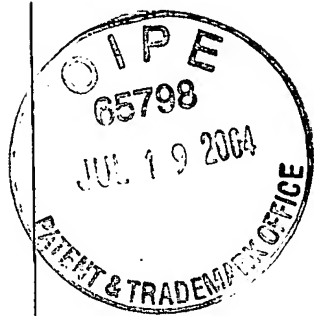


FIG. 14C

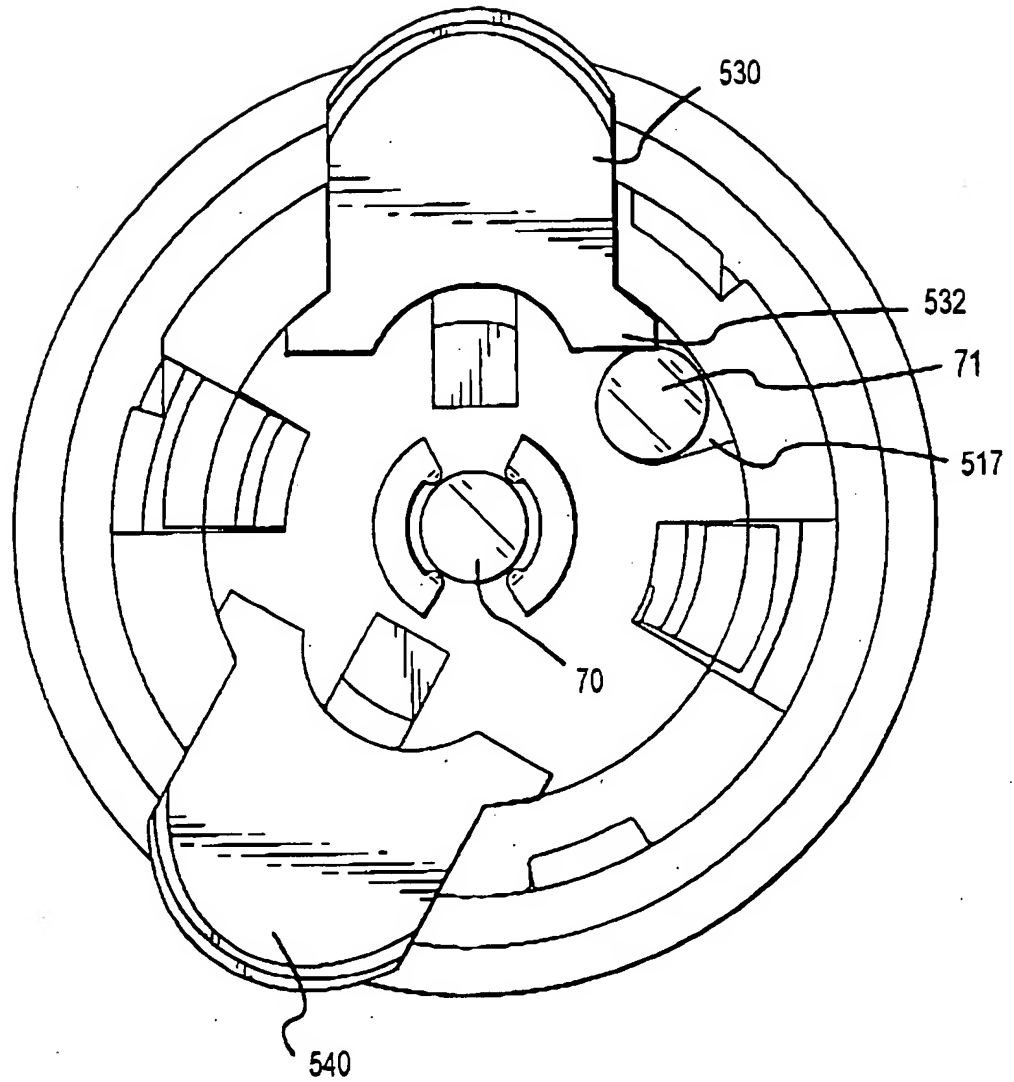


FIG.15A

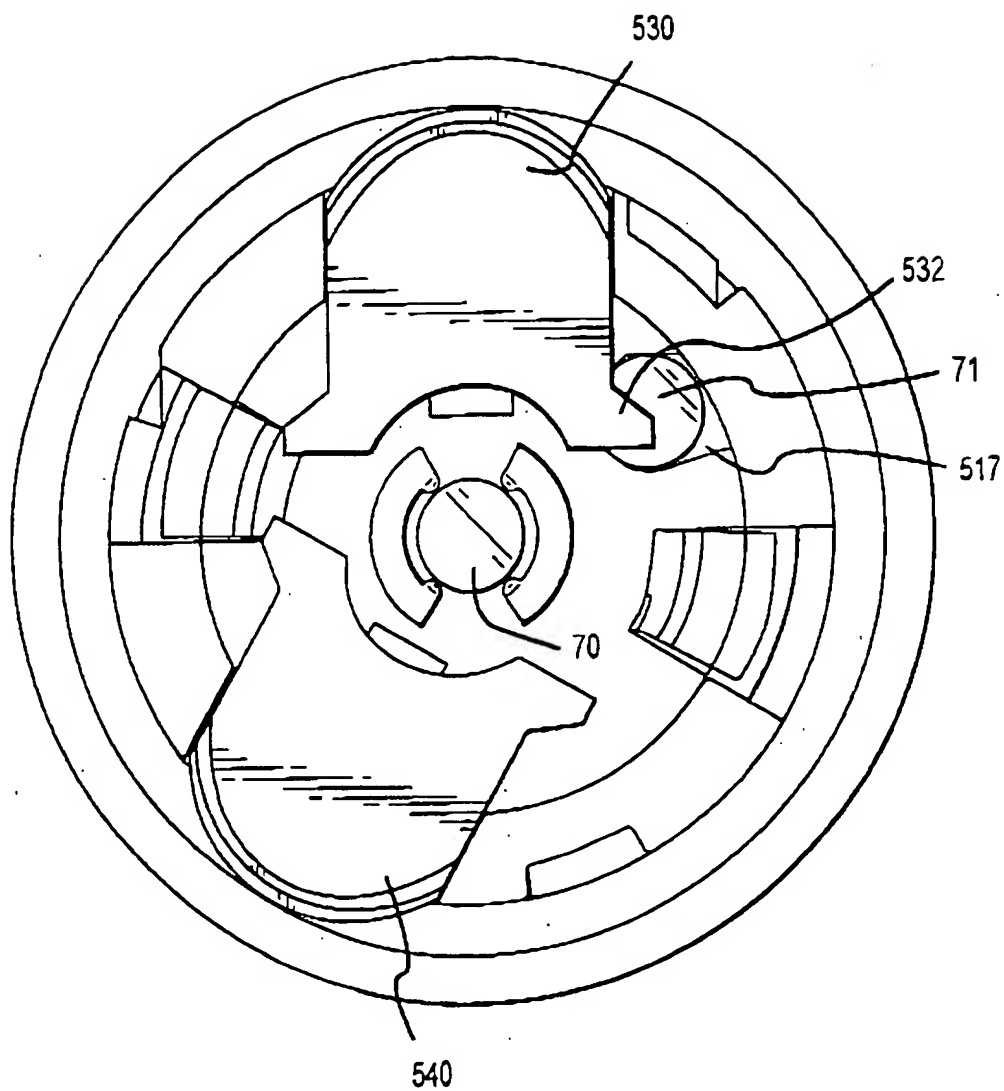
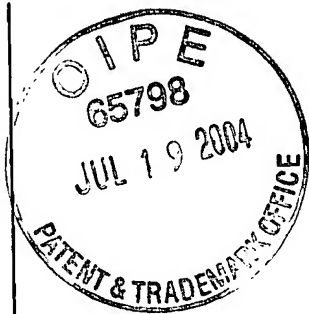


FIG.15B



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EXHIBIT 3



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Applicant: HALASZ, et al.

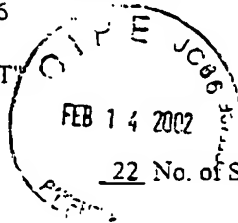
Title: "IMPROVED FLASHLIGHT"

Serial No.: 10/015,284

Filed Date: December 10, 2001

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